

21 December 1983

MEMORANDUM FOR THE RECORD

SUBJECT: Discussion with Dr. Kenneth McDonald, Agency Historian  
regarding OSS Records

1. I met with Dr. McDonald on 16 December to discuss some of my concerns about the possible transfer of OSS records to the National Archives and Records Service. I indicated that there were a number of legal questions that needed to be resolved before such a transfer could be effected. I cited the fact that OGC needed to formally address the issue of the Agency's liability for any harm that might come to individuals whose affiliation with OSS was made known through these records.

2. I also indicated my concern about the possible impact of this action on current Agency employees. If employees felt that information regarding their covert activities was made known during their lifetime, it might affect their willingness to undertake certain actions. It might also make former employees believe that their security agreement was no longer binding.

3. Finally, I mentioned that the Agency had justified its request for exemption from the provisions of the Freedom of Information Privacy Act on the basis of protecting sources and methods. It did not appear consistent to tell Congress that the Director was concerned about protecting sources and methods under the Freedom of Information Act while releasing similar types of information about OSS activities.

4. Dr. McDonald brought me up to date on the current status of his report to Mr. Casey. He had, in fact, recommended to Mr. Casey that the OSS records be turned over to NARS in segments over some period of time. He stated that he had been advised by Tom Cormack not to provide copies of his proposal to any component until Mr. Casey had completed his review. Dr. McDonald believed that Mr. Casey felt obligated to provide this material to NARS as a trade-off for Senate support for FOIA relief legislation. Dr. McDonald indicated that Mr. Casey felt very strongly about this obligation and that it was probably in the Agency's best interest to make some of this material available to historians. Mr. Briggs, the Executive Director of the Agency, had reviewed Dr. McDonald's proposal and had asked the Office of General Counsel to review it. Dr. McDonald was not sure if that review would include addressing the issues that I raised. He assured me that there would be an opportunity to address my concerns after Mr. Casey had made his decision. He promised to notify me as soon as that decision had been reached.

5. I invited Dr. McDonald to visit the Records Center so that he could personally examine some of the OSS material. He indicated his desire to do this and I made arrangements for a visit on 23 December.



Chief, Records Management Division

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